

UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

ANDREY L. LARSHIN,  
Petitioner,  
v.  
B. KIBLER,  
Respondent.

No. 2:21-cv-00122-TLN-KJN

**ORDER**

Petitioner, a state prisoner proceeding *pro se*, filed an application for a writ of habeas corpus pursuant to 28 U.S.C. § 2254. The matter was referred to a United States Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1)(B) and Local Rule 302.

On May 10, 2022, the magistrate judge filed findings and recommendations herein which were served on all parties and which contained notice to all parties that any objections to the findings and recommendations were to be filed within thirty days. (ECF No. 33.) Neither party filed objections to the findings and recommendations.

The Court presumes that any findings of fact are correct. *See Orand v. United States*, 602 F.2d 207, 208 (9th Cir. 1979). The magistrate judge's conclusions of law are reviewed de novo. *See Britt v. Simi Valley Unified School Dist.*, 708 F.2d 452, 454 (9th Cir. 1983). The Court has reviewed the file and finds the findings and recommendations to be supported by the record and by the magistrate judge's analysis.

Accordingly, IT IS HEREBY ORDERED that:

1. The Findings and Recommendations filed May 10, 2022, (ECF No. 33), are adopted;

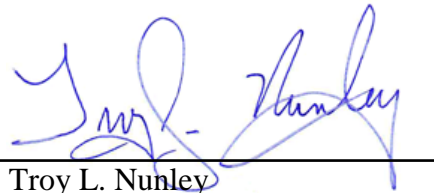
2. Respondent's Motion to Dismiss, (ECF No. 28), is GRANTED in part and DENIED in part, as follows:

A. The Motion to Dismiss on statute of limitations grounds is DENIED;

B. Claims three and four, (ECF No. 26), are DISMISSED, and that portion of claim one based on California Senate Bill 620 is DISMISSED; and

C. Within thirty days from the date of this Order, Respondent shall file an answer to claims one (as narrowed) and two.

**DATED: July 18, 2022**



Troy L. Nunley  
United States District Judge